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March 27, 2008

Re: *Galiano v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1317 (KMK);  
*Kromer, et al. v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1494 (KMK);  
*Miley v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1547 (KMK);  
*Marotta v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1597 (KMK);  
*Trulli v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1729 (KMK);  
*Rovelo v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1830 (KMK); and  
*Suarez v. Fidelity Nat'l Title Ins. Co., et al.*, No. 08 Civ. 1955 (KMK)

The Honorable Kenneth M. Karas  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, New York 10601-4150

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Dear Judge Karas:

We represent Defendants Fidelity National Title Insurance Company, Fidelity National Financial, Inc., Ticor Title Insurance Company, and Chicago Title Insurance Company (collectively, the "Fidelity Defendants") in the above-captioned actions. We write to withdraw our request for a pre-motion conference to address a motion to transfer these cases to the Eastern District of New York. In light of recent developments, the Fidelity Defendants no longer intend to make such a motion. The pre-motion conference is currently scheduled for April 1, 2008.

When the Fidelity Defendants requested a pre-motion conference on February 19, 2008, there were fewer than ten related actions pending in this District and in the Eastern District of New York. There are now forty-four such actions pending across the country in at least ten states, eight of which are in the Southern District, and all but one of which are before Your Honor. Twenty-five of the cases were filed in federal courts outside of New York since we requested the pre-motion conference on February 19. Lowey Dannenberg Cohen & Hart, P.C., plaintiffs' counsel in *Galiano*, *Kromer*, and *Marotta*, have moved the Judicial Panel on Multidistrict Litigation (the "MDL Panel") to transfer all of the related actions to this District. This motion has altered our clients' view on the

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appropriateness of requesting Your Honor to consider transferring the above-captioned actions to the Eastern District of New York.

Specifically, in light of several factors, including, among others, the now-nationwide scope of the litigation, the location of Title Insurance Rate Service Association, Inc. ("TIRSA") in Manhattan, and the location of the New York State Insurance Department, where title insurance rate filings are made and reviewed, in Manhattan, the Fidelity Defendants, as well as the other defendants in the above-captioned actions, are presently of the view that the MDL Panel should transfer to this District all of the related actions. As noted above, twenty-five cases have been filed outside of New York in recent weeks, and most of them rely heavily on allegations regarding TIRSA and title insurance rates in New York.

If the Court wishes to proceed with the April 1 pre-motion conference, we will of course appear. Thank you for your consideration of this request.<sup>1</sup>

Respectfully submitted,

*Barry Ostrager / P.S.*

Barry R. Ostrager

cc: All Counsel of Record (by email)

*The April 1 conference is adjourned  
without date, pending resolution of plaintiffs'  
application to the MDL panel.*

SO ORDERED

*[Signature]*  
KENNETH M. KARAS U.S.D.J.  
3/28/08

<sup>1</sup> We are sending this letter by facsimile with the permission of Alicia.